

# TITLE 312 NATURAL RESOURCES COMMISSION

## Proposed Rule LSA Document #10-104

### DIGEST

Amends 312 IAC 9-3-18.5 by, authorizing the taking of exotic mammals that have escaped from captivity and clarifying their possession and sale. Adds 312 IAC 9-3-18.6 governing the possession and taking of wild hogs. Amends 312 IAC 9-10-4 governing game breeder licenses to add all species of cervidae. Effective thirty (30) days after filing with the Publisher.

#### **312 IAC 9-3-18.5**

#### **312 IAC 9-3-18.6**

#### **312 IAC 9-10-4**

SECTION 1. 312 IAC 9-3-18.5 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 9-3-18.5 Exotic mammals**

Authority: IC 14-22-2-6; IC 14-22-32-6

Affected: IC 14-8-2-278; IC 14-22; IC 15-2.1-24

Sec. 18.5. (a) ~~A person~~ **An individual** must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) Bradypodidae (tree sloth).
- (2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus Bos, including all dairy and beef animals) and buffalo (Bison bison).
- (3) Camelidae (camel and llama).
- (4) Canidae (jackal, wild dog, and other exotic foxes).
- (5) Cebidae (marmoset).
- (6) Cercopithecidae (baboon and monkey).
- (7) Cervidae (elk, moose, caribou, and other exotic deer).
- (8) Dasypodidae (armadillo).
- (9) Elephantidae (elephant).
- (10) Equidae (wild horse and zebra), except for domestic horses.
- (11) Felidae (mountain lion, lynx, tiger, and other exotic cats).
- (12) Giraffidae (giraffe and okapi).
- (13) Hippopotamidae (hippopotamus).
- (14) Hyaenidae (hyaena).
- (15) Macropodidae (kangaroo and wallaby).
- (16) Myrmecophagidae (anteater).
- (17) Orycteropodidae (armadillo).
- (18) Pongidae (chimpanzee, bonobo, and gorilla).
- (19) Procaviidae (hyrax).
- (20) Protelidae (armadillo).
- (21) Rhinocerotidae (rhinoceros).
- (22) ~~Suidae (wild boar and other exotic swine), except for domestic swine.~~
- (23) Tapiridae (tapir).
- (24) ~~Tayassuidae (javelina and peccary).~~
- (25) (23) Tragulidae (chevrotain).
- (26) (24) Ursidae (bear).

~~(27)~~ **(25)** A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox, and coyote.

(b) Notwithstanding subsection (a), ~~a person~~ **an individual** may take an exotic mammal only if the exotic mammal is:

(1) taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant; or

(2) a species from the family:

~~(A) suidae and:~~

~~(i) has been released or escaped from captivity; or~~

~~(ii) is a member of a breeding population in the wild; or~~

~~(B) bovidae, camelidae, or cervidae and slaughtered in accordance with IC 15-2-1-24~~ **17-5**  
**or**

**(3) an animal that has escaped from captivity into the wild and is a known immediate threat to:**

**(A) public safety, or**

**(B) the health of wild animals as verified by the Indiana Board of Animal Health.**

(c) A person may ~~not~~ possess an exotic mammal that is a species from a family listed in subsection (a) ~~except as otherwise provided by statute or this article~~ **only as follows:**

**(1) wild cats, except feral cats, in the family Felidae, purebred wolves in the family Canidae and bears in the family of Ursidae may be possessed under a wild animal possession permit issued under 312 IAC 9-11 or a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

**(2) cervidae may be possessed under a cervidae breeder license issued under 312 IAC 9-10-4.**

**(3) all other families listed in subsection (a) may be possessed without a permit from the Department but must be possessed with a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.**

(d) A person may sell an exotic mammal from a family listed in subsection (a) **only as follows:**

**(1) cervidae, including their parts, may be sold under IC 14-22-22-20, IC 14-22-20.5 and 345 IAC;**

**(2) bovidae may be sold without a license from the department; and**

**(3) all other families listed in subsection (a) may be sold without a permit from the Department, but must be sold with a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV;**

~~(d)~~ **(e)** A person:

(1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana ~~except as otherwise provided by statute or this article~~; and

(2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) ~~As used in this rule, "exotic mammal" means a species that is:~~

~~(1) not native to Indiana; or~~

~~(2) extirpated from Indiana and either a:~~

~~(A) wild animal; or~~

~~(B) feral animal other than a dog or cat.~~

*(Natural Resources Commission; 312 IAC 9-3-18.5; filed May 12, 2006, 10:38 a.m.: 29 IR 3346; readopted filed Nov 24, 2008, 11:08a.m.: 20081210-IR-312080672RFA)*

**SECTION 2. 312 IAC 9-3-18.6 IS ADDED TO READ AS FOLLOWS:**

**312 IAC 9-3-18.6 Wild Hogs**

Authority: 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

**Sec.18.6 (a) As used in this section, "wild hog" means any feral, untamed or undomesticated hog from the family Suidae or family Tayassuidae that has one (1) or more of the following characteristics:**

- (1) has acclimated to living in a wild or free-roaming environment,**
- (2) was born in the wild,**
- (3) is free roaming without any visible tags, markings or behavioral characteristics that would indicate a domestic state or private ownership, or**
- (4) has skeletal characteristics indicative of a wild or Eurasian origin including:**
  - (A) skull characteristics of an elongated snout or sloping appearance with little or no stop at the eye line,**
  - (B) shoulder structure with a steep or razorback (predominate ridge along the back) appearance,**
  - (C) hindquarters proportionally smaller than the forequarters lacking natural muscling found in commercial species, or**
  - (D) visible tusks.**

**(b) A person must not import into or possess a live wild hog in the State of Indiana.**

**(c) A person must not:**

- (1) sell,**
- (2) transport for sale,**
- (3) offer to sell,**
- (4) barter,**
- (5) trade,**
- (6) lease, or**
- (7) release a live wild hog, or**
- (8) offer for compensation any kind of wild hog hunting or taking privileges.**

**(d) Notwithstanding subsection (c), an individual may take a wild hog only as follows:**

- (1) a resident landowner or other individual who has written permission from the landowner may take a wild hog on that land at any time without a permit;**
- (2) with a nuisance wild animal control permit issued under 312 IAC 9-10-11; or**
- (3) with a scientific purposes license issued under 312 IAC 9-10-6.**

**(e) A live wild hog taken under this subsection:**

- (1) shall be euthanized within twenty-four (24) hours of capture; and**
- (2) shall not be:**
  - (A) possessed for more than twenty-four (24) hours; or**
  - (B) sold;**
  - (C) traded;**
  - (D) bartered;**
  - (E) gifted; or**
  - (F) released.**

**(f) Exempted from this section is:**

(1) A zoo that is a permanent establishment accredited by the American Zoological Association or the Zoological Association of America,

(2) A scientific research institution licensed or registered with the United States Department of Agriculture and Indiana Secretary of State,

(3) the Purdue University Animal Disease Diagnostic Laboratory,

(4) An organization or a person housing a wild hog at the written request of the department, or

(5) An individual who transports a wild hog through Indiana if:

(A) the individual transporting the hog in the state does not stop and unload the wild hog in Indiana unless taken directly to slaughter at an official state or federally inspected slaughter establishment for immediate slaughter; and

(B) the wild hog is continuously confined in a container that is of sufficient strength to prevent the hog from escaping or coming into contact with the public.

*(Natural Resources Commission; 312 IAC 9-3-18.6)*

**SECTION 3. 312 IAC 9-10-4 AS PUBLISHED AT \_\_\_\_\_ IS AMENDED TO READ AS FOLLOWS:**

**312 IAC 9-10-4 Game breeder and exotic cervidae licenses**

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-20

Affected: IC 4-21.5; IC 14-22

Sec. 4. (a) A person shall apply for a license as a game breeder on a departmental form.

(b) A license holder under this section may possess one (1) or more of the following:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- ~~(3) White-tailed deer (*Odocoileus virginianus*).~~
- (4) (3) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- ~~(5) (4) Gray squirrel (*Sciurus carolinensis*).~~
- ~~(6) (5) Fox squirrel (*Sciurus niger*).~~
- ~~(7) (6) Beaver (*Castor canadensis*).~~
- ~~(8) (7) Coyote (*Canis latrans*).~~
- ~~(9) (8) Gray fox (*Urocyon cinereoargenteus*).~~
- ~~(10) (9) Red fox (*Vulpes vulpes*).~~
- ~~(11) (10) Mink (*Mustela vison*).~~
- ~~(12) (11) Muskrat (*Ondatra zibethicus*).~~
- ~~(13) (12) Opossum (*Didelphis marsupialis*).~~
- ~~(14) (13) Raccoon (*Procyon lotor*).~~
- ~~(15) (14) Striped skunk (*Mephitis mephitis*).~~
- ~~(16) (15) Long-tailed weasel (*Mustela frenata*).~~
- ~~(17) (16) Least weasel (*Mustela nivalis* or *Mustela rixosa*).~~

(c) Notwithstanding subsections (a) and (b), a person shall apply for a cervidae breeder license authorized at I.C. 14-22-20.5 on a departmental form holder under this section may to lawfully acquire and possess cervidae, including:

~~a white-tailed~~

- (1) deer (all species);
- (2) Elk (*Cervus Canadensis*)
- (3) Caribou (all species)
- (4) Moose (*Alces alces*)
- (5) A first generation hybrid or genetically altered mammal of the cervidae family

that is:

- (1) privately-owned;
- (2) legally obtained,
- (3) born in captivity, and
- (4) possessed by a cervidae livestock operation in accordance with IC 14-22-20.5-2.

(d) A license holder under ~~this section~~ **subsection (a)** may lawfully acquire and possess furbearing mammals, eastern cottontail rabbits, fox squirrels, gray squirrels, ring necked pheasants and bobwhite quail as follows:

- (1) Furbearing mammals and eastern cottontail rabbits must be:
  - (A) lawfully taken in season, or
  - (B) born in captivity.
- (2) Fox squirrels and gray squirrels must have been born in captivity.
- (3) Ring-necked pheasants and bobwhite quail must have been hatched in captivity.

(e) A license holder under ~~this section~~ **subsection (a)** may possess:

- (1) ~~White-tailed deer and their products for breeding, propagating, purchasing, marketing, and selling under IC 14-22-20.5.~~
- ~~(2)~~ Furbearing mammals, squirrels, and eastern cottontail rabbits for breeding purposes under IC 14-22-20.
- ~~(3)~~ (2) Ring-necked pheasants and bobwhite quail for breeding purposes, for food, or for release.

(f) **A license holder under subsection (c) may possess cervidae and their products for breeding, propagating, purchasing, marketing, and selling under IC 14-22-20.5.**

(g) A person must apply for a license under this section within five (5) days after the:

- (1) acquisition of an animal within Indiana; or
- (2) importation of an animal into Indiana.

Each enclosure for these animals must be inspected by a conservation officer before a license may be issued.

~~(g)~~ (h) A license holder under this section may add a species ~~to a game breeder license~~ other than those identified in the application upon:

- (1) an inspection by a conservation officer; or
- (2) approval by the division of fish and wildlife.

A conservation officer must be notified within five (5) days of acquisition of the new species.

~~(h)~~ (i) A license holder under this section who imports:

- (1) any live animal under this license; or
- (2) the eggs of birds covered under this license;

must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

~~(i)~~ (j) A license holder under this section must present at least one (1) of the following for inspection upon the request of a conservation officer for each animal possessed:

- (1) A receipt.
- (2) An invoice.
- (3) Other satisfactory evidence of lawful acquisition, including documentation of natural birth.

~~(j)~~ **(k)** For ring-necked pheasants, bobwhite quail, furbearing mammals, eastern cottontail rabbits, fox squirrels and gray squirrels, the following requirements apply:

(1) A wild animal must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of a free-roaming animal of the same species.

(2) The cage or enclosure shall be large enough to allow the wild animal to turn about freely and make normal postural adjustments.

(3) All chainlink or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired.

(4) Night quarters, holding pens, and nesting boxes may not be used as primary housing.

(5) The following shall be provided as required for the comfort of the particular species of animal:

~~(1)~~ (A) Fresh water.

~~(2)~~ (B) Rainproof dens.

~~(3)~~ (C) Nest boxes.

~~(4)~~ (D) Windbreaks.

~~(5)~~ (E) Shelters.

~~(6)~~ (F) Shade.

~~(7)~~ (G) Bedding.

(6) Each animal shall be handled, housed, and transported in a sanitary and humane manner.

(7) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.

(8) The cages or other enclosures must be made available upon request for inspection by a conservation officer.

~~(k)~~ **(l)** For ~~white-tailed deer~~ **cervidae**, the following enclosure requirements apply:

(1) The enclosure must have a perimeter fence with a height of at least eight (8) feet from the ground to the top of the fence at all parts of the structure to make the escape of an animal unlikely and to prevent the entrance of a free-roaming animal of the same species.

(2) Fence bottoms shall be installed at or near the ground level but not more than six (6) inches above ground level.

(3) If topographic, natural or other conditions exist that would enable an animal to pass through, over or under the fence, the permit holder must supplement the fence as necessary to prevent egress.

(4) Perimeter fencing materials shall be of a fencing strength, weave and construction that prevents the escape of an animal into the wild and may include, but are not limited to, high tensile game fence that is at least fourteen and a half (14 ½) gauge, chain link fence of at least nine (9) gauge, welded wire fence of at least twelve and a-half (12 ½) gauge, wood fence or farm buildings.

(5) All chain link or welded wire fence edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired.

(6) The license holder under this section or their designees must maintain the perimeter fencing in good condition at all times.

(7) The license holder under this section or their designees must maintain a log of perimeter fence inspections that records the following:

(A) the inspection date,

(B) the inspection time,

(C) the individual(s) performing the inspection, and

(D) any noted deficiencies or repairs made.

(8) A license holder under this section must report the escape of any ~~white-tailed deer~~ **cervidae** possessed under this section to a conservation officer within twenty-four (24) hours after knowledge of escape or knowledge of potential escape. Knowledge of potential escape shall include, but not be limited to, significant damage to the perimeter fence which is likely to allow escape and/or the license holder is unable to account for all of the animals possessed under this license.

(9) A license holder under this section shall secure and install pad locks on all remote perimeter gates.

(10) Upon a request by a conservation officer, any enclosure must be made available for inspection.

(4) (m) To provide for the comfort and overall health of each ~~white-tailed deer~~ **cervidae** possessed under this section, the license holder shall provide the following:

(1) Fresh water must be provided as follows:

(A) Available at all times.

(B) May be provided by public water utilities, wells, cisterns, ponds or streams.

(2) Feed must be provided as follows.

(A) Where adequate pasture or natural vegetation is available to meet the nutritional needs of each animal, supplemental feeding is not necessary.

(B) Where adequate pasture or natural vegetation is not available to meet the nutritional needs of each animal, supplemental feed or a complete feed ration must be made available to prevent malnutrition, poor body condition, debility, stress, illness or disease.

(3) Windbreaks, Shelters and Shade must be provided as follows:

(A) Protection of each animal from the extreme elements of heat, cold or wind must be provided at all times and in all enclosures where animals are housed.

(B) Protection from the elements may include, but shall not be limited to, one or more of the following: barns, shelters, manmade or natural windbreaks, tarps, shade cloth, trees, hedge rows, tall grass and weeds.

(4) Bedding must be provided as follows:

(A) Each enclosure must provide high ground, shelters or bedding areas that prevent the animal from lying or standing in mud or water that is ankle-deep for more than ten (10) consecutive days.

(B) Each enclosure used to house ~~white-tailed deer~~ **cervidae** must be provided with sufficient drainage to prevent stagnant water or deep mud throughout the enclosure such that the animals in the enclosure can turn about freely and obtain food and water without standing in stagnant water or deep mud.

(5) Enclosures must be provided as follows:

(A) Each enclosure shall be large enough to allow the animal to turn about freely and make normal postural adjustments.

(B) Periodic crowding of animals of less than four (4) months may be necessary for:

(i) wintering of animals and pasture preservation.

(ii) breeding.

(iii) medicating and/or vaccinating.

(iv) tuberculosis and brucellosis testing to maintain herd status.

(v) handling and tranquilization.

(6) Each ~~white-tailed deer~~ **cervidae** shall be handled, housed, and transported in a sanitary and humane manner.

~~(m) An animal possessed under this section may be administered a pharmaceutical product in accordance with state and federal laws and approved by a state or federal agency for the purpose of prevention or treatment of any of the following:~~

~~(1) Malnutrition.~~

~~(2) Illness.~~

~~(3) Disease.~~

~~(4) Injury.~~

~~(10) Stress.~~

~~A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws. A license holder under this section or authorized handler may use an immobilizing agent or tranquilizer, as directed by a licensed veterinarian, to assist in the safe handling and transportation of white-tailed deer.~~

(n) Each ~~white-tailed deer~~ **cervidae** possessed under this section must be individually and uniquely identified in accordance with 345 IAC 2-7 prior to leaving the license holder's premises.

- (o) A license holder under this section that possesses ~~white-tailed deer~~ **cervidae** must:
- (1) Register with the state veterinarian each location where ~~white-tailed deer~~ **cervidae** are being kept and acquire a premise identification pursuant to 345 IAC 2-7.
  - (2) Register with the state veterinarian and enroll in the chronic wasting disease (CWD) program pursuant to 345 IAC 2-7.
  - (3) Adhere to Indiana cervidae importation requirements as designated by the state veterinarian. Prior to importation, a permit from the state veterinarian must be acquired pursuant to 345 IAC 2-7.
  - (4) Handle all deaths of cervidae older than twelve (12) months of age as follows in accordance with 345 IAC 2-7:
    - (A) Report each incident to the state veterinarian.
    - (B) Test each disease-susceptible cervid for CWD if suitable for testing.
    - (C) Follow CWD sample submission protocol that is designated by the state veterinarian.
  - (5) Allow for an annual herd inspection by the Indiana Board of Animal Health and provide records pursuant to 345 IAC 2-7 for:
    - (A) Official cervid identifications
    - (B) Additions and removals from herd that include dates, names, addresses or contact information.
    - (C) Post-mortem reports

~~(p) A license holder under this section shall not release wild animals possessed under this section except for bobwhite quail and ring-necked pheasants. A license holder under this section shall not release known diseased bobwhite quail and ring-necked pheasants.~~

~~(q) A license holder under this section must not sell a wild animal possessed under this section if the animal is known to be diseased.~~

~~(r) (p) White-tailed deer Cervidae~~ and their products may be sold in Indiana in accordance with IC 14-22-20 or out-of-state for any legal purpose.

**(q) An animal possessed under this section may be administered a pharmaceutical product in accordance with state and federal laws and approved by a state or federal agency for the purpose of prevention or treatment of any of the following:**

- (1) Malnutrition.**
- (2) Illness.**
- (3) Disease.**
- (4) Injury.**
- (5) Stress.**

**A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws. A license holder under this section or authorized handler may use an immobilizing agent or tranquilizer, as directed by a licensed veterinarian, to assist in the safe handling and transportation of cervidae.**

**(r) A license holder under this section shall not release animals possessed under this section except for bobwhite quail and ring-necked pheasants. A license holder under this section shall not release known diseased bobwhite quail and ring-necked pheasants.**

**(s) A license holder under this section must not sell an animal possessed under this section if the animal is known to be diseased.**

**(t) A license holder under this section must comply with all applicable state, local, or other federal laws that govern that possession and sale of the animals possessed under this section.**



~~(u)~~ **(u)** A license holder under this section shall do the following:

- (1) Maintain an inventory of all wild animals possessed under this section.
- (2) Record all additions and deletions to the inventory for every wild animal that is:
  - (A) born or has died;
  - (B) sold;
  - (C) traded;
  - (D) loaned;
  - (E) bartered; or
  - (F) given to another person;

on a signed departmental form or computerized record with a signature that is either electronic or in ink. If recorded on a departmental form, the person must complete the form in ink.

- (3) Keep a copy of the complete and accurate inventory on the premises of the game breeder
- (4) Provide a copy of the inventory to a conservation officer upon request.
- (5) Issue a valid, dated receipt prepared in ink for all animals or their products that are sold, traded, bartered, or gifted and include the following information:
  - (A) Game breeder license number.
  - (B) Buyer and seller name and address.
  - (C) Number of animals or products sold.
  - (D) Species of animal sold.

A copy of all of the receipts issued must be on the premises of the game breeder for at least five (5) years after the year of the transaction.

~~(v)~~ **(v)** A license expires on December 31 of the year the license is issued. The license holder must file an application with the division by ~~February 15~~ **January 31** of each year in order to renew the license. The annual report must accompany the renewal application and shall include for each species possessed under this license the number:

- (1) bought;
- (2) sold;
- (3) born;
- (4) traded;
- (5) gifted;
- (6) of deaths; and
- (7) on hand.

~~(w)~~ **(w)** A conservation officer may enter the premises of the license holder at all reasonable hours to conduct an inspection in accordance with subsections ~~(w) and (x)~~ **and (y)**.

~~(x)~~ **(x)** During an inspection, the license holder or the license holder's designee shall comply with both of the following:

- (1) meet the conservation officer at the time of inspection to provide access to all enclosures where animals possessed under a license issued under this section are housed.
- (2) provide access to all records relative to the license issued under this section.

~~(y)~~ **(y)** While conducting an inspection but prior to entering the enclosure where animals are housed, the conservation officer must comply with the following:

- (1) upon request of the license holder or the license holder's designee, follow appropriate sanitation practices to prevent the spread of disease if the license holder provides sanitation supplies or protective equipment
- (2) give due consideration to the safety and welfare of the animals.
- (3) notify the license holder if the inspection reveals a violation of this section or IC 14-22-20. The conservation officer may make a second inspection after no sooner than fifteen (15) days after the reported

violations(s) unless critical conditions exist as determined at the reasonable discretion of the conservation officer

- (1) license may be suspended or revoked under IC 4-21.5; and
- (2) wild animals may be confiscated;

if the license holder fails to correct the violations(s) of the license requirements.

~~(y)~~ (z) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to: comply with any of the following:

- (1) A provision of a license issued under this section.
- (2) IC 14-22-20.

(3) All applicable state, local, or other federal laws. (*Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789; filed Jan 8, 2007, 9:11 a.m.: 20070207-IR-312060193FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

SECTION 4. THE FOLLOWING IS REPEALED: 312 IAC 9-10-21.